

COUNTY COUNCIL

OF

HARFORD COUNTY, MARYLAND

BILL NO. 76-14

Introduced by Council President Habern W. Freeman & Councilman Roland ShumateLegislative Day No. 76-4 Date: February 3, 1976

AN ACT to repeal and re-enact with amendments Section 9-3(b), subheading, "Containers"; Section 9-3(c), subheading, "Commercial Facilities"; Section 9-3(e), subheading, "Junk Vehicles"; Section 9-4(e), subheading, "Unrepairable Structures"; and Section 9-10(b), subheading, "Abatement", all of Chapter 9, heading, "Environmental Controls", (Article I "In General") of the Harford County Code; to provide the use of plastic bags for the disposal of trash; to change the cleaning requirements for commercial disposal equipment; to provide for clarification of screening requirements for junk vehicles; to provide for changes in agency responsibilities; and to provide for the establishment of new procedures for the collection of charges incurred by the County in enforcing the Environmental Control Act, and generally related thereto.

By the Council, February 3, 1976

Introduced, read first time, ordered posted and public hearing scheduled

on: March 2, 1976at: 7:15 P.M.By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and Notice of time and place of hearing and Title of Bill having been published according to the Charter, a public hearing was held on March 2, 1976 and concluded on March 2, 1976.

Angela Markowski, Secretary

BILL NO. 76-14

1 Section 1. *Be It Enacted By The County Council Of Harford County,*
2 *Maryland,* that Section 9-3(b), subheading, "Containers"; Section
3 9-3(c), subheading, "Commercial Facilities"; Section 9-3(e),
4 subheading, "Junk Vehicles"; Section 9-4(e), subheading,
5 "Unrepairable Structures"; and Section 9-10(b), subheading,
6 "Abatement", all of Chapter 9, heading, "Environmental Controls",
7 Article I, "In General", of the Harford County Code be,
8 and they are hereby repealed and that new Section 9-3(b), sub-
9 heading, "Containers"; Section 9-3(c), subheading, "Commercial
10 Facilities"; Section 9-3(e), subheading, "Junk Vehicles"; Section
11 9-4(e), subheading, "Unrepairable Structures"; and Section 9-10(b),
12 subheading, "Abatement", be, and they are hereby added to Chapter
13 9, Article I, of the Harford County Code to stand in lieu
14 of the Sections repealed, all to read as follows:

15 CHAPTER 9. ENVIRONMENTAL CONTROLS.

16 ARTICLE 1. IN GENERAL.

17 Section 9-3. Storage or Accumulation of Refuse.

18 (b) Containers. All garbage and trash shall be
19 stored in commercially available type containers with tight
20 fitting covers. Individuals using plastic bags for the disposal
21 of trash and garbage shall be responsible for taking the necessary
22 safeguards to insure that this method of disposal does not create
23 a potential health hazard for the community. For residences,
24 containers size shall be not more than thirty-two (32) gallons
25 and no single container shall exceed sixty (60) pounds when filled.
26 Cardboard boxes, baskets, oil or chemical drums are not acceptable
27 as containers for regular collection. There is no limit to the
28 number of regulation containers for individual residences.

29 (c) Commercial Facilities. The container size, type
30 and number shall be determined on an individual basis. In those
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1 facilities generating mixed trash and garbage, and using a
2 Dump type container, the contractor shall be responsible for
3 the removal and replacement of these units with a clean container
4 when he is notified by an Inspector of the Health Department that
5 the in-place unit is in need of cleaning or repair.

6 (1) All commercial enterprises such as retail
7 stores, restaurants, diners, quick food shops, apartment complexes
8 and multiple family units will be serviced by a Dump type
9 container, compactor or similar type unit. All units of this
10 type that are in use or that may be proposed for use within
11 Harford County, shall be subject to approval of the Health Depart-
12 ment. These units may also be required for use in such other
13 areas as directed by the Health Department.

14 (e) Junk Vehicles. No person in charge of or in
15 control of any property within Harford County, Maryland, whether
16 as owner, tenant, occupant, lessee or otherwise, shall allow any
17 partially dismantled, nonoperative, wrecked, junked or discarded
18 vehicle, trailer, house trailer or mobile home to remain on such
19 property longer than thirty (30) days, and no person shall leave
20 any such vehicle on any property within the County for a period
21 greater than thirty (30) days.

22 (1) The provisions of Subsection 9-3(c) shall
23 not apply to a vehicle in an enclosed building, or screened in
24 such a manner as provided for by Section 9-3.1(b) and (c).
25 Section 9-3.1

26 Notwithstanding the provisions of Subsection 9-3(e),
27 any person, firm or corporation operating any junkyard, auto-
28 mobile graveyard or scrap metal processing facility shall conform
29 to and be regulated by the following:

30 (a) Supplemental Definitions: For the purposes of
31 this Article, the following terms are herein described:
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1 (1) Junk. The term "junk" shall mean old or
2 scrap copper, brass, rope, rags, batteries, paper, trash, rubber
3 debris, waste, iron, steel and other old or scrap ferrous or
4 nonferrous material, including junked, dismantled or wrecked
5 automobiles, or parts thereof.

6 (2) Automobile Graveyard. The term "automobile
7 graveyard" shall mean an establishment or place of business
8 which is maintained, used or operated for storing, keeping,
9 buying or selling wrecked, scrapped, ruined or dismantled motor
10 vehicles or motor vehicle parts.

11 (3) Junk Yard. The term "junk yard" shall mean
12 an establishment or place of business which is maintained,
13 operated or used for storing, keeping, buying or selling junk,
14 or for the maintenance or operation of an automobile graveyard,
15 and the term shall include garbage dumps and sanitary fills.

16 (4) Scrap Metal Processing Facility. "Scrap
17 metal processing facility" shall mean an establishment having
18 facilities for processing iron, steel or nonferrous scrap metal
19 and whose principle product is scrap iron, steel or nonferrous
20 scrap for sale for remelting purposes only.

21 (5) Operative Vehicles. For a vehicle to be
22 operative, it must have current registration or registration for
23 the year immediately past.

24 (b) Any junk yard, auto graveyard or scrap metal
25 facility which is within one thousand (1,000) feet of any
26 County road, right-of-way or residential property and is
27 visible from said road, right-of-way or property and is not
28 specifically exempted hereunder, shall be screened so as not to
29 be visible from any aforesaid road, right-of-way or property.

30 (c) All screening must be effective at all times and
31 individual covering of vehicles or scrap metal is hereby expressly
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1 prohibited; however, covering by storing vehicles or scrap in
2 enclosed buildings is allowed.

3 (d) Exemptions. The provisions of Subsection 9-3(e)
4 and 9-3.1 shall not apply to a vehicle or vehicles located in an
5 appropriate depository or storage area maintained in a lawful
6 place and manner by Harford County, Maryland. The aforesaid
7 provisions shall also not apply to auto body shops where bona
8 fide repairs are done to vehicles; however, such businesses
9 shall provide proper screening if they store more than twenty-
10 five (25) junk vehicles at their place of business. If auto
11 body shops store junk vehicles on property other than where
12 actual repairs take place, then all of the provisions of Section
13 9-3.1 shall apply to that storage area.

14 Section 9-4. Property Maintenance and Control.

15 (e) Unrepairable structures. Any structure may be
16 declared unrepairable when such structure has been declared by
17 the Harford County Department of Health to be a menace to the
18 health, safety and general welfare of the community. In the
19 event that the property owner is required to have said structure
20 removed and disposed of in accordance with standards of solid
21 waste disposal procedures, the Harford County Department of
22 Licenses, Inspections and Permits shall confer with the property
23 owner concerning the disposal of, or other reasonable
24 disposition of, the structure.

25 (1) Unrepairable Structures: Any structure that is
26 considered to be unrepairable will be inspected jointly by a
27 representative of the Health Department and the Department of
28 Inspections, Licenses and Permits. Unrepairable shall mean any
29 structure that is found to be a menace to the health, safety and
30 general welfare of the community. A copy of the report from the
31 Department of Inspections, Licenses and Permits shall be an
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1 integral part of the data maintained by the Health Department. In
2 the event that the property owner shall be required to have said
3 structure removed and disposed of in accordance with solid
4 waste disposal procedures, the owner of said structure shall
5 confer with the Department of Health and the Department of Public
6 Works (Landfill Division) on the disposition and specification
7 of disposal procedures.

8 Section 9-10. Enforcement.

9 (1) Abatement. If any person fails, within the time
10 limit specified in the notice, to abate any condition that is
11 prohibited under provisions of this Article, abatement action may
12 be effected by the use of County employees and equipment or by
13 contract with private contractors. The cost and expense of
14 abating the violation shall be certified by the Director of Public
15 Works to the Treasurer of Harford County, together with the name
16 or names of the property owner. These charges shall constitute
17 a lien upon the real estate and be collectable in the same manner
18 as real property taxes with the same priority, interest and
19 penalties. In the event that the violator refuses to correct
20 the violations within the specified time limit, enforcement may
21 also be achieved by injunction, by civil suit for damages, or
22 by criminal proceedings.

23 (2) Right of Property Owner to a Hearing. Any
24 property owner who is subject to having a lien placed on his
25 property as aforesaid, shall have a right to a hearing before
26 the body or officer establishing the lien prior to any lien
27 being created on his property. The body or officer establishing
28 liens shall promulgate reasonable regulations for the administra-
29 tion of the hearings. Such regulations shall include, but not
30 be limited to, proper notice, right of appeal to the County
31 Council and the Courts and generally such regulations shall
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1 protect the property owner's right to due process under the law.

2 Such regulations shall not exceed the power granted by this

3 Article or any other applicable law.

4 Section 2. *And Be It Further Enacted*, that if any provision of
5 this Act or the application thereof to any person or circumstances
6 is held invalid for any reason, the invalidity shall not affect
7 the other provisions or any other application of this Act which
8 can be given effect without the invalid provisions or applications,
9 and to this end all of the provisions of this Act are declared
10 to be severable.

11 Section 3. *And Be It Further Enacted*, that this Act shall take
12 effect sixty (60) days from the date it becomes law.

13 EFFECTIVE: June 7, 1976

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16 The Secretary of the Council does hereby
17 certify that fifteen (15) copies of this bill
18 are immediately available for distribution to
the public and the press.

19 Angela Markowski
20 Secretary
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BY THE COUNCIL

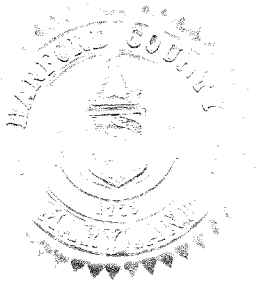
Read the third time.

Passed LSD 76-11 April 6, 1976 ~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

By order

Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
 for his approval this 7th day of April, 1976
 at 2:00 o'clock P.M.



Angela Markowski, Secretary

BY THE EXECUTIVE

APPROVED:

[Signature]
 County Executive

Date

4-6-76

BY THE COUNCIL

This Bill, having been approved by the Executive and
 returned to the Council, becomes law on June 7, 1976.

Angela Markowski
 Angela Markowski, Council Secretary

Rec'd for record 4/22 1976 at 1:30 P.M.
 Same day recorded & examined, per
 H. Douglas Chilcoat, Clerk